

REMARKS

The final Office Action mailed November 11, 2004 has been reviewed and the Examiner's comments have been considered. Applicants appreciate the Examiner's indication of allowable subject matter in claim 6 and suggestion for amendment to make this claim allowable. As explained below, the Examiner's suggestion has been fully adopted regarding claim 6 and used as a blueprint for amending the other pending claims in this application to place the claims in better condition for allowance.

Claims 1, 3, 6, 10, 12, and 13 have been amended per the Examiner's suggestion. Claims 5 and 7-9 have been canceled without prejudice or disclaimer, the latter group of claims being drawn to a nonelected method. The claims pending in this application after entry of the amendments are 1-4, 6, 10-15. Entry of the amendments and reconsideration of all pending claims is respectfully requested.

In the Office Action, the following rejections were made:

- Claim 6 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim;
- Claims 1-2 and 10-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bappert (United States Patent No. 3,911,781);
- Claims 3-5, 13, and 15 stand rejected under 35 U.S.C. 102(b)¹ as being anticipated by Bappert in view of Laverty (United States Patent No. 3,861,269); and
- Claim 14 stands rejected under 35 U.S.C. 102(b) as being anticipated by Bappert in view of Laverty (United States Patent No. 3,861,269) and further in view of Farrell (United States Patent No. 4,653,244).

¹ Applicant notes that recitation of Section 102(b) is likely a typographical error and the Examiner apparently intended to cite Section 103 instead.

Dependent claim 6 has been rewritten in independent form to include all of the limitations of base claim 3 and intervening claim 5, and recites *inter alia* a “helical roughened surface extending over the entire shank.” This fully adopts the Examiner’s suggestion on pages 8-9 of the Office Action. None of the cited references alone, or in combination with any other references, teaches or suggests a fastener having such a feature as now claimed. Accordingly, claim 6 is in condition for allowance.

Independent claims 1, 10, and 12 have been amended similarly to claim 6, and now recite a helical, roughened surface formed or disposed on the entire shank. Bappert alone, or in combination with any other cited references, does not teach or suggest a fastener having such a feature as now claimed. Accordingly, claims 1, 10 and 12 are in condition for allowance. Claim 2, which depends from claim 1 and includes all of its limitations, is in condition for allowance for at least the same reasons as claim 1 and in view of the added limitations that further distinguish over the prior art. Claim 11, which depends from claim 10 and includes all of its limitations, is in condition for allowance for at least the same reasons as claim 10 and in view of the added limitations that further distinguish over the prior art. Claims 13-15, which depend directly or indirectly from claim 12 and includes all of its limitations, are in condition for allowance for at least the same reasons as claim 12 and in view of their added limitations that further distinguish over the prior art.

Independent claim 3 has been amended similarly to claim 6, and now recites a helical, roughened surface formed on the entire shank. Neither Bappert or Lavery alone, combined, or in combination with any other references, teaches or suggests such a fastener as now claimed. Accordingly, claim 3 is in condition for allowance. Claim 4, which depends from claim 3 and includes all of its limitations, is in condition for allowance for at least the same reasons as claim 3 and in view of the added limitations that further distinguish over the prior art.

Claim 5 has been canceled without prejudice, and the rejection is thus moot.

In light of the foregoing, Applicant respectfully requests reconsideration and submits that the pending claims are now allowable. Entry of the amendments is therefore respectfully requested. If the Examiner does not agree with the allowability of all pending claims, the Examiner is invited to kindly call the undersigned attorney at 212-309-6375 to resolve any remaining issues and expedite allowance of the application.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 2, 2005

By:


Frank J. Spanitz
Reg. No. 47,104

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001